

**Village of Weston, Wisconsin
AGENDA ITEM COVERSHEET
Requested for Official Consideration and Review**

REQUEST FROM: **JENNIFER HIGGINS; DIRECTOR OF PLANNING AND DEVELOPMENT
VALERIE PARKER; PLANNING TECHNICIAN**

ITEM DESCRIPTION: **ORDINANCE NO. 16-024 AN ORDINANCE AMENDING VILLAGE OF
WESTON CODE OF ORDINANCES CHAPTER 86 UTILITIES, ARTICLE III
WELLS AND RENUMBERING ARTICLE IV SEWERAGE UTILITY.**

DATE/MTG: **BOARD OF TRUSTEES; MONDAY, APRIL 18, 2016**

POLICY QUESTION: Should the Village of Weston update Chapter 86 to reflect the changes the State has made to their ordinance regulating private wells.

RECOMMENDATION TO: I make a motion to approve Ordinance No. 16-024.

LEGISLATIVE ACTION:

- | | | |
|---|---|---------------------------------------|
| <input checked="" type="checkbox"/> Acknowledge/Approve | <input checked="" type="checkbox"/> Ordinance | <input type="checkbox"/> Proclamation |
| <input type="checkbox"/> Administrative Order | <input type="checkbox"/> Policy | <input type="checkbox"/> Reports |
| <input type="checkbox"/> Expenditure | <input type="checkbox"/> Procedure | <input type="checkbox"/> Resolution |

FISCAL IMPACT ANALYSIS:

- ☐ Budget Line Item: None
- ☐ Budget Line Item: _____
- ☐ Budgeted Expenditure: _____
- ☐ Budgeted Revenue: _____

STATUTORY / RULEMAKING / POLICY REFERENCES:

- ☐ WI Statute: _____
- ☐ WI Administrative Code: _____
- ☐ Case Law / Legal: _____
- ☒ Municipal Code: Chapter 86 Article III Wells and Article IV Sewerage Utility
- ☐ Municipal Rules: _____

PRIOR REVIEW: Director of Public Works/Services Donner & Planning Technician Parker

BACKGROUND:

Last year, the State made some changes to their Private Well Ordinances. The Private Well regulations used to be completely in NR 812 and now has been broken into multiple areas of the statutes. Our ordinance had not been updated for some time and did not include the new requirement that every well must be re-inspected by a licensed well driller or pump installer every 10 years. There is also a requirement new that if a well is taken out of use for 90 days, the well must be abandoned and cannot be re-used or permitted. This does not apply for irrigation wells. The changes made to Article III also resulted in Article IV needing to be renumbered. I will be giving the ordinance to Loren to create hyperlinks prior to being uploaded to the website. I just ran out of time prior to needing to get this ready for the packet. Any questions on the ordinance changes can be directed to Keith Donner or Valerie Parker.

☒ Attachments: Ordinance No. 16-024.

Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted on April 18, 2016, Ordinance No. 16-024: An Ordinance Amending Village of Weston Code of Ordinances Chapter 86 Utilities, Article III Wells and Renumbering Article IV Sewerage Utility.

The full text of Ordinance No. 16-024 may be obtained at the office of the Village Clerk, 5500 Schofield Avenue, Weston, Wisconsin or through the Village's website at <http://www.westonwi.gov>.

Dated this 19th day of April, 2016
Sherry Weinkauff, Village Clerk

Published: 4/20/16

DAILY HERALD media

A GANNETT COMPANY

STATE OF WISCONSIN
BROWN COUNTY

WESTON VILLAGE OF
5500 SCHOFIELD AVE
WESTON

WI 544764333

VOUCHER APPROVAL

Account Number:

10-01-51420 -321-000

Description: Notice of newly enacted
ord No 16-024 Chapter 86

Approved by

JLD
Initials

4/29/16
Date

I, being duly sworn, doth depose and say I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which published therein on:

Account Number: GWM-WES425
Order Number: 0001210470
No. of Affidavits: 1
Total Ad Cost: \$12.84
Published Dates: 04/20/16

(Signed)

Christi Ambrosius
Legal Clerk

(Date)

4-27-16



Signed and sworn before me

Kristine Feldmann

My commission expires

12-7-19

Notice of Newly Enacted Ordinances
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Dated this 19th day of April, 2016
Sherry Weinkauf, Village Clerk
RUN: April 20, 2016 WNAXLP

WESTON VILLAGE OF

Re: Ord 16-024



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 16-024

**AN ORDINANCE AMENDING VILLAGE OF WESTON CODE OF
ORDINANCES CHAPTER 86 UTILITIES, ARTICLE III WELLS AND
RENUMBERING ARTICLE IV SEWERAGE UTILITY.**

The Village Board of the Village of Weston, Marathon County, Wisconsin, do ordain as follows:

SECTION 1: Chapter 86 Utilities, of the Village of Weston Municipal Code, Article III "Wells" is hereby amended and Article IV "Sewerage Utility" is hereby renumbered to provide as follows:

CHAPTER 86 UTILITIES

ARTICLE III. WELLS

Sec. 86.147. Authority.

Whereas, s. NR 810.16, Wisconsin Administrative Code, directs suppliers of water for municipal water systems to require the abandonment of all unused, unsafe or noncomplying wells located on the premises served by their system, and to provide a permit system to allow retention of safe and code complying wells, by local ordinance or water utility rule, to eliminate sources of unsafe water and to prevent such wells from becoming channels for vertical movement of contaminated water and to eliminate all existing cross-connections and prevent all future cross-connections.

Sec. 86.148. Purpose.

To protect public health, safety and welfare and to prevent contamination of groundwater by assuring that unused, unsafe or noncomplying wells or wells which may act as conduits for contamination of groundwater or wells which may be illegally cross-connected to the municipal water system, are properly maintained or abandoned.

Sec. 86.149. Applicability.

This Ordinance applies to all wells located on premises served by the Weston Water Utility municipal water system. Utility customers outside the jurisdiction of the municipal system may be required under contract agreement, or utility rule, to adopt and enforce equivalent ordinances within their jurisdictions for purpose stated in Section 86.147 above.

Sec. 86.150. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Municipal water system means a community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.

Noncomplying, means a well or pump installation which does not comply with s. NR 812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to s. NR 812.43, Wisconsin Administrative Code.

Pump installation, means the pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

Unsafe, means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances which exceed the drinking water standards of Wisconsin Administrative Code Chapters NR 140 or 809, or for which a Health Advisory has been issued by the Department of Natural Resources.

Unused, means a well or pump installation which is not used or does not have a functional pumping system.

Well, means a drillhole or other excavation or opening deeper than it is wide that extends more than 10 feet below surface, constructed for the purpose of obtaining groundwater.

Well abandonment, means the proper filling and sealing of a well according to the provisions of Wisconsin Administrative Code Chapter NR § 812.26.

Sec. 86.151. Abandonment required.

All wells on premises served by the municipal water system shall be properly abandoned in accordance with Section 86.153 of this ordinance by [insert adoption date], or not later than 30 days from the date of connection to the municipal water system, unless a valid well operation permit has been issued to the well owner by Weston Municipal Utilities under the terms of Section 86.152 of this ordinance.

Sec. 86.152. Well operation permit.

Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well no later than 30 days after connection to the municipal water system. Weston Municipal Utilities shall grant a permit to a well owner to operate a well for a period not to exceed 5 years providing

all conditions of this section are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this section are met. Weston Municipal Utilities, or its agent, shall conduct inspections and water quality tests, or require inspections and water quality tests, to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Utility Clerk.

- (a) The following conditions must be met for issuance or renewal of a well operation permit:
 - (1) The well and pump installation shall meet the Standards for Existing Installations described in s. NR 812.42, Wisconsin Administrative Code. The well and pump system shall be evaluated by a licensed well driller or pump installer and certified on the Wisconsin Well and Pressure System Inspection Form 3300-221 to comply with ch. NR 812 subch. IV, prior to issuing the initial permit and no less than every 10 years afterwards.
 - (2) The well and pump shall have a history of producing safe water evidenced by at least 1 coliform bacteria sample. In areas where the Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.
 - (3) There shall be no cross-connections between the well's pump installation or distribution piping and the municipal water system.
 - (4) The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.
 - (5) The private well shall have a functional pumping system.
 - (6) The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.
- (b) A property owner may request issuance of a well operation permit for a newly constructed drilled or driven-point well, for a period not to exceed five years, provided the following conditions are met:
 - (1) The owner of the proposed private well must provide evidence of the DNR issued well notification number; and
 - (2) Following completion of the new private well construction, the well owner must furnish a copy of the DNR approved well construction report, which also indicates the assigned Wisconsin Unique Well Number (WUWN) and the owner must comply with all conditions described in (a)(1) through (a)(6) of this section.

Sec. 86.153. Well abandonment procedures.

(a) All wells abandoned under the jurisdiction of this section shall be abandoned according to the procedures and methods of Wisconsin Administrative Code Chapter [NR 812.26\(3\)](#) . All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

(b) The owner of the well, or the owner's agent, shall notify the Weston Municipal Utilities at least 48 hours in advance of any well abandonment activities. The abandonment of the well may be observed or verified by personnel of the municipal system.

(c) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted to the Utility Clerk and the Department of Natural Resources within 30 days of the completion of the well abandonment. The form must be completed by the licensed well driller, pump installer, or certified operator performing the abandonment.

Sec. 86.154. Penalties.

(a) *Violations, Injunctions, Abatement, and Removal.* It shall be unlawful to violate any of the provisions of this section. In case of any violation, the Village Board may institute appropriate legal action or proceedings to enjoin a violation of this section, or seek abatement or removal. In addition, those actions commenced by the Village may seek a forfeiture or penalty as outlined in this section.

(b) Any person, firm, or corporation, or agent, employee, or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this section, shall upon conviction, pay forfeiture not to exceed \$500.00 for each offense, together with the costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense.

ARTICLE IV. SEWERAGE UTILITY*

Sec. 86.155. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Equivalent meter, means one unit per meter. One unit is defined as one residential housing unit or 210 gallons per day and which utilizes a meter size of either five-eighths inch or three-fourths inch. The number of equivalent units multiplied by the fee prescribed shall determine the hookup charge for each connection.

Sec. 86.156. Hookup charges.

A sewer hookup charge per the village fee schedule for each equivalent meter shall be paid by the owner of any building for each connection to the sanitary sewer system occurring after February 1, 1988. These charges shall apply only to new buildings upon which construction was commenced after February 1, 1988, to all new or existing buildings in areas annexed to the village after February 1, 1988.

Sec. 86.157. Sewer service charges.

A sewer service charge is imposed upon each lot, parcel of land, building or premises fronted by a public sewer and/or served by wastewater facilities or otherwise discharging sewage, including industrial wastes, into the public sewerage and wastewater facilities. Such sewer service charge shall be payable in an amount determinable as follows:

(1) *Category A*, is defined as normal or domestic strength wastewater having organic concentrations of biochemical oxygen demand (BOD5) no greater than 250 milligrams per liter (mg/l) and suspended solids (SS) no greater than 250 milligrams per liter (mg/l). The sewer service charge for category A wastewater is as follows:

- a. The sewer service charge shall consist of a meter/unit charge plus a volumetric charge. The meter/unit charge shall be determined by either the equivalent water meter table or the number of units served by the meter, whichever is greater. When a meter serves more than one unit, the unit/meter charge shall be based upon the number of units served by the meter. The charge would then be determined by multiplying the number of units times the meter charge for a five-eighths-inch and three-fourths-inch water meter.
- b. The equivalent meter table is based upon one unit per meter. One unit is defined as one residential housing unit or 210 gallons per day.
- c. The meter/unit charge for commercial customers not serving living quarters shall be determined by the equivalent meter table or 210 gallons per day per unit, whichever is greater.

EQUIVALENT METER TABLE

<i>Meter Size (Inches)</i>	<i>Equivalent Units</i>
5/8 and 3/4	1.0
1	2.5
1 1/4 and 1 1/2	5
2	8
3	15
4	25
6	50

METER/UNIT CHARGE TABLE

<i>Meter Size (Inches)</i>	<i>Meter/Unit Charge</i>
5/8 and 3/4	As set from time to time by the board
1	As set from time to time by the board
1 1/4 and 1 1/2	As set from time to time by the board
2	As set from time to time by the board

3	As set from time to time by the board
4	As set from time to time by the board
6	As set from time to time by the board

- d. In addition, a volumetric charge is assessed. The volumetric charge is based on a waste strength of 250 mg/l BOD₅ and 250 mg/l SS.
- e. The sewer service charge shall be determined as follows:

$$S.C. = U.C. + C.V.V.$$

S.C.	=	Total sewer service charge
U.C.	=	Meter unit charge
C.V.	=	Volume unit price - As set from time to time by the board, per 1,000 gallons
V.	=	Total volume of water used during billing period in 1,000 gallons

(2) **Category B**, is defined as wastewater having organic concentrations of biochemical oxygen demand (BOD₅) greater than 250 milligrams per liter (mg/l) and/or suspended solids (SS) greater than 250 milligrams per liter (mg/l). The minimum category B charge will be based on a concentration of 250 mg/l BOD₅ and 250 mg/l SS. The equation for the monthly category B charge is as follows:

SSC	-	Total sewer service charge
SSC	-	Category A charge (fixed plus volumetric) plus high-strength surcharge
High-strength surcharge - $(CB \times BOD^5) + (CS + SS) + AC$		
CB	-	BOD ₅ unit price - Price per 1,000 pounds shall be determined annually by the RMMSD
BOD⁵	-	1,000 pounds of BOD ₅ discharged during billing period in excess of domestic strength wastewater
SS	-	1,000 pounds of SS discharged during billing period in excess of domestic strength wastewater
AC	-	Cumulative analytical charges for analyzing the BOD ₅ and SS samples collected over the billing period

Sec. 86.158. Permanently installed in-ground sprinkler systems.

- (a) **Permit required.** All permanently installed in-ground sprinkler / irrigation systems require a Village of Weston in-ground sprinkler system permit & inspection.
- (b) **Permit fees.** The application for in-ground sprinkler system permit must be accompanied by the fees as defined in the Village Fee Schedule

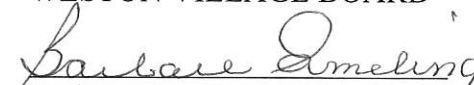
- (c) **Right of way.** The Village of Weston or any other party authorized to work in village rights of way are not responsible for damage to sprinkler pipes or sprinkler heads, installed in village right of way or within 18" of any village right of way. Property lines must be established by applicant before the installation of any in-ground sprinkler system. It is the applicant's responsibility to have all underground utilities located prior to the installation of the in-ground sprinkler system.
- (d) **Connection.** All sprinkler systems connected to the villages water distribution system must comply with Sec. 86.117 of this ordinance and Wisconsin Department. of Commerce [SPS 382.41](#) cross connection control.
- (e) **Site plan.** The applicant must provide a drawing of the site & proposed sprinkler system to the village at the time of permit application. Sprinkler systems should not spray on or across public sidewalks, or on to any paved surfaces.
- (f) **Watering ban.** The Village of Weston reserves the right to order any sprinkling / irrigation system shut off in the event of a water emergency or shortage.
- (g) **Inspection required.** The permit applicant shall notify the building inspector when installation is complete and ready for final inspection.
- (h) **Violations.** Any person who shall violate any of the provisions of this section shall upon conviction thereof, be subject to the forfeitures and penalties provided under Sec. 1.111 of the Village of Weston Ordinances.

SECTION 2: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

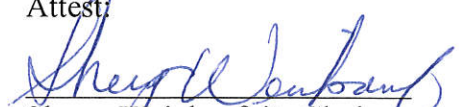
SECTION 3: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 18th day of April, 2016

WESTON VILLAGE BOARD

By: 
Barbara Ermeling, its President

Attest:


Sherry Weinkauff, its Clerk

APPROVED: 4/18/16

PUBLISHED: 4/20/16